

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON CONTENT SERVICES LLC, a
Delaware corporation, PENGUIN RANDOM
HOUSE LLC, a Delaware corporation, LEE
CHILD, SYLVIA DAY, JOHN GRISHAM, C.J.
LYONS, DOUG PRESTON, JIM
RASENBERGER, T.J. STILES, R.L. STINE,
MONIQUE TRUONG, SCOTT TUROW,
NICHOLAS WEINSTOCK, AND STUART
WOODS,

Plaintiffs,

v.

KISS LIBRARY d/b/a KISSLY.NET,
WTFFASTSPRING.BID, LIBLY.NET, and
CHEAP-LIBRARY.COM, RODION
VYNNYCHENKO, ARTEM
BESSHAPOCHNY, and DOES 1-10,

Defendants.

NO. 2:20-cv-01048 MJP

[PROPOSED] ORDER GRANTING
MOTION FOR DEFAULT JUDGMENT
AND ENTERING PERMANENT
INJUNCTION AGAINST DEFENDANTS
KISS LIBRARY, RODION
VYNNYCHENKO, AND ARTEM
BESSHAPOCHNY

THIS MATTER comes before the Court on the Motion for Default Judgment
("Motion") by Publishers Amazon Content Services LLC and Penguin Random House LLC,
and Authors Lee Child, Sylvia Day, John Grisham, C.J. Lyons, Doug Preston, Jim
Rasenberger, T.J. Stiles, R.L. Stine, Monique Truong, Scott Turow, Nicholas Weinstock, and
Stuart Woods (collectively, "Plaintiffs") against Defendants Kiss Library, Rodion
Vynnychenko, and Artem Besshapochny (collectively, "Defendants"). Dkt. 39. The Court,

1 having reviewed the Motion, the papers filed in connection with the Motion, and relevant
 2 pleadings and papers on file, and otherwise being fully informed, finds that it has jurisdiction,
 3 and finds and orders as follows:¹

4 1. The Court finds that the balance of the factors set forth in *Eitel v. McCool*, 782
 5 F.2d 1470 (9th Cir. 1986) strongly favor granting default judgment. Accordingly, Plaintiffs’
 6 Motion for Default Judgment is GRANTED and JUDGMENT is entered against Defendants on
 7 (a) Plaintiffs’ First Cause of Action for copyright infringement, 17 U.S.C. § 501; and
 8 (b) Plaintiffs’ Second Cause of Action for vicarious and contributory copyright infringement,
 9 *id.*

10 2. The Court further specifically finds that Defendants’ infringement was willful
 11 and egregious, as detailed in the Motion and supporting evidence. Defendants engaged in an
 12 international cybercrime scheme, intentionally and repeatedly violating and reaping profits
 13 from Plaintiffs’ literary works, while trying to hide their identities, dodge service, and
 14 otherwise evade responsibility for their piracy. By way of example, Defendants repeatedly
 15 used false contact information and aliases in registering the websites used in connection with
 16 their piracy scheme, which alone creates and supports a finding of willful infringement. *See* 17
 17 U.S.C. § 504(c)(3)(A) (providing “false contact information” to registrar creates rebuttal
 18 presumption of willfulness, un rebutted by Defendants here). Defendants’ pattern and practice
 19 of operating under fake names and information reveals knowledge of their infringing conduct
 20 and their coordinated effort to avoid accountability for it. Further, when confronted with
 21 Plaintiffs’ lawsuit, Defendants (1) spoliated evidence linking them to the scheme, (2) attempted
 22 to evade service in Ukraine by registering a new false address with the government, and
 23 (3) continued operating their scheme through additional infringing sites later uncovered by
 24
 25

26 ¹ “The Court need not make detailed findings of fact in the event of a default judgment.” *Klauber Bros., Inc. v.*
 27 *The Kylie Shop, Inc.*, 2020 WL 8474583, at *1 (C.D. Cal. 2020) (citing *Adriana Int’l Corp. v. Thoeren*, 913 F.2d
 1406, 1414 (9th Cir. 1990)).

1 Plaintiffs through nonparty discovery. This conduct, in addition to the other evidence set forth
2 in the Motion, reveal Defendants as truly unrepentant copyright pirates.

3 3. The Court finds that Plaintiffs' request for maximum statutory damages is
4 justified given the demand for the works infringed, the flagrancy of the infringement, Plaintiffs'
5 continued operation of other infringing sites after this suit was filed, as well as the need to deter
6 such severe misconduct and preserve protections for literary works in a digital age.

7 4. Accordingly, the Court awards Plaintiffs' statutory damages based on its
8 findings regarding Defendants' willful violations of the Copyright Act, 17 U.S.C. § 504(c)(2),
9 for each of Plaintiffs' 52 infringed works ("Plaintiffs Works"), as follows:

- 10 (a) \$150,000 for willful infringement of *Abducted*;²
- 11 (b) \$150,000 for willful infringement of *Afterburn*;³
- 12 (c) \$150,000 for willful infringement of *A Dark Mind*;⁴
- 13 (d) \$150,000 for willful infringement of *As Long As She Needs Me: A Novel*;⁵
- 14 (e) \$150,000 for willful infringement of *Blood on the Tracks*;⁶
- 15 (f) \$150,000 for willful infringement of *Fight Dirty*;⁷
- 16 (g) \$150,000 for willful infringement of *Jesse James: Last Rebel of the Civil War*;⁸
- 17 (h) \$150,000 for willful infringement of *My Sister's Grave*;⁹
- 18 (i) \$150,000 for willful infringement of *Persuader*;¹⁰
- 19 (j) \$150,000 for willful infringement of *Red Rain: A Novel*;¹¹
- 20 (k) \$150,000 for willful infringement of *Short Straw*;¹²

21
22 ² Registration No. TX0007670441.

23 ³ Registration No. TX0008280509.

24 ⁴ Registration No. TX0007728631.

25 ⁵ Registration No. TX0005380194.

26 ⁶ Registration No. TX0008334746.

27 ⁷ Registration No. TX0008076233.

⁸ Registration No. TX0005703845.

⁹ Registration No. TX0008009209.

¹⁰ Registration No. TX0006919613.

¹¹ Registration No. TX0007603027.

¹² Registration No. TX0006465649.

- (l) \$150,000 for willful infringement of *The Book of Salt*;¹³
- (m) \$150,000 for willful infringement of *The Brilliant Disaster: JFK, Castro, and America's Doomed Invasion of Cuba's Bay of Pigs*;¹⁴
- (n) \$150,000 for willful infringement of *The Burden of Proof*;¹⁵
- (o) \$150,000 for willful infringement of *The Litigators*;¹⁶
- (p) \$150,000 for willful infringement of *Tyrannosaur Canyon*;¹⁷
- (q) \$150,000 for willful infringement of *You Are Not Small*;¹⁸
- (r) \$150,000 for willful infringement of *Custer's Trials: A Life on the Frontier of a New America*;¹⁹
- (s) \$150,000 for willful infringement of *The First Tycoon: The Epic Life of Cornelius Vanderbilt*;²⁰
- (t) \$150,000 for willful infringement of *Hollow Bones*;²¹
- (u) \$150,000 for willful infringement of *Lucidity*;²²
- (v) \$150,000 for willful infringement of *One L: The Turbulent True Story of a First Year at Harvard Law School*;²³
- (w) \$150,000 for willful infringement of *Carnal Curiosity*;²⁴
- (x) \$150,000 for willful infringement of *Chiefs: A Novel*;²⁵
- (y) \$150,000 for willful infringement of *Collateral Damage*;²⁶

¹³ Registration No. TX0005745355.

¹⁴ Registration No. TX0007373794.

¹⁵ Registration No. TX0002844794.

¹⁶ Registration No. TX0007494080.

¹⁷ Registration No. TX0006206315.

¹⁸ Registration Nos. TX0007970793; TX0007970795.

¹⁹ Registration No. TX0008229466.

²⁰ Registration No. TX0006942463.

²¹ Registration No. TX0007754956.

²² Registration No. TX0007610805.

²³ Registration No. TX0002573137.

²⁴ Registration No. TX0007909225.

²⁵ Registration No. TX0000719822.

²⁶ Registration No. TX0007684917.

- (z) \$150,000 for willful infringement of *Cut and Thrust*;²⁷
- (aa) \$150,000 for willful infringement of *D.C. Dead*;²⁸
- (bb) \$150,000 for willful infringement of *Foreign Affairs*;²⁹
- (cc) \$150,000 for willful infringement of *Hothouse Orchid*;³⁰
- (dd) \$150,000 for willful infringement of *Insatiable Appetites*;³¹
- (ee) \$150,000 for willful infringement of *Iron Orchid*;³²
- (ff) \$150,000 for willful infringement of *Orchid Beach*;³³
- (gg) \$150,000 for willful infringement of *Orchid Blues*;³⁴
- (hh) \$150,000 for willful infringement of *Palindrome*;³⁵
- (ii) \$150,000 for willful infringement of *Santa Fe Dead*;³⁶
- (jj) \$150,000 for willful infringement of *Santa Fe Edge*;³⁷
- (kk) \$150,000 for willful infringement of *Santa Fe Rules*;³⁸
- (ll) \$150,000 for willful infringement of *Shoot Him If He Runs*;³⁹
- (mm) \$150,000 for willful infringement of *Two Dollar Bill*;⁴⁰
- (nn) \$150,000 for willful infringement of *Unintended Consequences*;⁴¹
- (oo) \$150,000 for willful infringement of *Unnatural Acts*;⁴²
- (pp) \$150,000 for willful infringement of *Swimming to Catalina*;⁴³

²⁷ Registration No. TX0007943843.

²⁸ Registration No. TX0007478430.

²⁹ Registration No. TX0008233410.

³⁰ Registration No. TX0007056077.

³¹ Registration No. TX0008027684.

³² Registration No. TX0006295537.

³³ Registration No. TX0004894963.

³⁴ Registration No. TX0005465649.

³⁵ Registration No. TX0003038167.

³⁶ Registration No. TX0007172693.

³⁷ Registration No. TX0007328233.

³⁸ Registration No. TX0003367425.

³⁹ Registration No. TX0006903331.

⁴⁰ Registration No. TX0006164181.

⁴¹ Registration No. TX0007739500.

⁴² Registration No. TX0007529029.

⁴³ Registration No. TX0004751854.

(qq) \$150,000 for willful infringement of *Dead eyes*;⁴⁴

(rr) \$150,000 for willful infringement of *Dead in the Water: A Novel*;⁴⁵

(ss) \$150,000 for willful infringement of *Bitter in the Mouth*;⁴⁶

(tt) \$150,000 for willful infringement of *Gray Mountain: A Novel*;⁴⁷

(uu) \$150,000 for willful infringement of *Rogue Lawyer*;⁴⁸

(vv) \$150,000 for willful infringement of *Sycamore Row*;⁴⁹

(ww) \$150,000 for willful infringement of *Theodore Boone: The Abduction*;⁵⁰

(xx) \$150,000 for willful infringement of *Theodore Boone: The Accused*;⁵¹

(yy) \$150,000 for willful infringement of *Theodore Boone: The Fugitive*;⁵² and

(zz) \$150,000 for willful infringement of *Jennie*.⁵³

5. The Clerk is therefore directed to enter JUDGMENT in favor of Plaintiffs and against Defendants, jointly and severally, for the total amount of \$7,800,000.

6. Plaintiffs are also entitled to a final and permanent injunction pursuant to 17 U.S.C. § 502 because (1) Plaintiffs suffered irreparable injuries, (2) monetary damages alone are inadequate to fully compensate for those injuries, (3) the balance of equities strongly favors a permanent injunction, and (4) the public interest is served by a permanent injunction.

7. Accordingly, Defendants Kiss Library, Rodion Vynnychenko, and Artem Besshapochny, and their agents, servants, employees, confederates, and any persons acting in concert or participation with them,⁵⁴ or third parties providing services used in connection with

⁴⁴ Registration No. TX0003864784.

⁴⁵ Registration No. TX0004579095.

⁴⁶ Registration No. TX0007299541.

⁴⁷ Registration No. TX0007964170.

⁴⁸ Registration No. TX0008229453.

⁴⁹ Registration Nos. TX0007791381; TX0007963390.

⁵⁰ Registration No. TX0007413142.

⁵¹ Registration No. TX0007558149.

⁵² Registration No. TX0008293865.

⁵³ Registration No. TX0003921292.

⁵⁴ Defendants' agents expressly include any person operating the email addresses roddiku@gmail.com, sofleaden1987@mail.ru, kmytz@yandex.ru, redoxyzo@gmail.com, jjpetruninas@gmail.com, robert.teifeld@gmail.com, ikmytz@gmail.com, hellodorld@protonmail.com, nyakambinnickson@gmail.com,

1 their operations including, without limitation, payment processors, banking or financial
 2 institutions, cryptocurrency processors, email providers, domain registrars or hosts, Internet
 3 service providers, back-end service providers, affiliate program providers, web designers,
 4 search engine or ad-word providers, social media platforms, and online business-to-business
 5 selling platforms having received notice of this Order by service, are hereby permanently
 6 ENJOINED AND RESTRAINED from:

- 7 (a) Directly infringing Plaintiffs' Works by reproducing, displaying, distributing,
 8 offering for sale, or selling Plaintiffs' Works;
- 9 (b) Inducing, causing, or materially contributing to the infringement of Plaintiffs'
 10 Works;
- 11 (c) Moving, destroying, or otherwise disposing of any items, merchandise, assets, or
 12 other documents related to Defendants' reproduction, distribution, or sale of
 13 Plaintiffs' works on any of Defendants' Websites,⁵⁵ including Defendants'
 14 profits linked to sales of copyrighted works through their associated websites or
 15 operations;
- 16 (d) Removing, destroying or otherwise disposing of any computer files, electronic
 17 files, business records, or documents relating to Defendants' Websites, assets, or
 18 operations, which relate in any way to the reproduction, distribution, or sale of
 19 Plaintiffs' Works;
- 20 (e) Registering, maintaining, servicing, hosting, or using any website domains or
 21 mobile application programs in furtherance of a scheme to infringe Plaintiffs'
 22 Works or other copyrighted works; and

23 _____
 24 ravawebiste@gmail.com, tema@xpdf.bid, hgurm80@gmail.com, amankwavictoria11@gmail.com,
 25 besshapochnyy@mail.ru, and dmitriy.chernyay@gmail.com, in furtherance of the scheme.

26 ⁵⁵ Defendants' associated websites include Kisslibrary.com, Kisslibraryemails.com, Kisslibrary.net, Kissly.net,
 27 Wtffastspring.bid, Libly.net, Cheap-library.com, Books.coffee, Getebooks.net, Booksgratchoice.com,
 Maximumbook.org, Bsebooks.com, Bookspc.com, Crucialbooks.com, Osebooks.com, Wordered.com,
 Thekissly.net, Kisslibraryemails.net, Quabook.com, Luckybooks.online, KissAnime.com,
 Torrentsmoviesfree.com, KissAnime.ru, KissManga.com, Xpdf.bid, Bookpdfs.com, 2pdfs.com, Smashbook.site,
 Cybook.club, Oregano.pro, Dexcom.pro, Lumeo.pro, Keyhunter.pro, Zenlibrary.top, and Lumintu.club.

(f) Knowingly and materially assisting any other person or business entity in engaging in or performing any of the activities listed above.

8. The bond posted to secure the Preliminary Injunction in this litigation shall be returned.

9. The Court hereby retains jurisdiction over this case for the purpose of enforcing this order and injunction, and for any supplemental proceedings that may be authorized by law.

10. Plaintiffs' counsel is hereby directed to serve a copy of this order and injunction on Defendants Kiss Library, Rodion Vynnychenko, and Artem Besshapochny at the last email or physical address(es) they received service.

SO ORDERED this ____ day of November, 2021.

Marsha J. Pechman
United States Senior District Judge

Presented by:

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